

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO,

Plaintiff,

v.

AMBAC ASSURANCE CORPORATION,
ASSURED GUARANTY CORPORATION,
FINANCIAL GUARANTY INSURANCE
COMPANY, and THE BANK OF NEW YORK
MELLON, as Fiscal Agent,

Defendants.

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Adv. Proc. No. 20-00004-LTS

PROMESA

Title III

**Re: ECF Nos. 10104, 10615,
12997**

¹ The Debtors in the jointly-administered Title III cases, along with each Debtor's respective Title III case number (listed as a bankruptcy case number due to software limitations) and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (iv) Puerto Rico Highways and Transportation Authority ("HTA") (Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (v) Puerto Rico Electric Power Authority ("PREPA") (Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy numbers due to software limitations).

THE COMMONWEALTH OF PUERTO RICO, by
and through THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

Movant,

v.

AMBAC ASSURANCE CORPORATION,
ASSURED GUARANTY CORPORATION,
FINANCIAL GUARANTY INSURANCE
COMPANY, and THE BANK OF NEW YORK
MELLON, as Fiscal Agent,

Respondents.

**DECLARATION OF COLIN R. KASS REGARDING THE SUR-REPLY OF
COMMONWEALTH OF PUERTO RICO REGARDING CCDA BONDHOLDER
MOTION TO LIFT AUTOMATIC STAY [ECF NO. 10104]**

I, Colin R. Kass, declare that:

1. I am a member of the Bars of Illinois and the District of Columbia, admitted to practice before this Court *pro hac vice*, and am a partner at Proskauer Rose LLP, attorneys for the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”). I submit this Declaration under penalty of perjury pursuant to 28 U.S.C. § 1746.

2. Attached as composite Exhibit F are true and correct copies, and certified translations, of an “Application for Business Account and/or Banking Services,” dated June 17, 2011, produced in discovery with the bates numbers CCDA_STAY0006822-6829, and Tourism Company Board Resolutions, produced in discovery with the bates numbers CCDA_STAY0006918-6935.

3. Attached as Exhibit G is a true and correct copy, and a certified translation, of a “Solicitud Y Convenio De Apertura De Cuenta Bancaria” (“Bank Account Opening Agreement

Request”) for GDB account -9785, produced in discovery with the bates numbers CCDA_STAY0012841-12843.

4. Attached as Exhibit H are true and correct copies, and certified translations, of documents including Tourism Company Resolution 20-008, which refers to GDB account -9758 as the “Room Tax Concentration,” produced in discovery with the bates number CCDA_STAY0006947.

5. Attached as composite Exhibit I are true and correct copies of account statements for GDB account -9758 for the months of May 2015 and July 2015, produced in discovery with the bates numbers CCDA_STAY000004-05 and CCDA_STAY0002148-2149.

6. Attached as composite Exhibit J are true and correct copies of account statements for Scotiabank account -5142 and GDB account -9758 for the months of January 2015 to November 2015, produced in discovery with the bates numbers CCDA_STAY0002140-2161 and CCDA_STAY0001814-1885, respectively.

7. Attached as Exhibit K is a true and correct copy, and certified translation, of P.R. Op. Sec. Just. 2005-14, 2005 WL 6431018 (P.R. Atty. Gen.).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 18, 2020

/s/ Colin R. Kass
Colin R. Kass